

COUNCIL COMING ATTRACTIONS



November 29, 2016

Landlord-Tenant Obligations, Montgomery County Economic Development Corporation and WorkSource Montgomery and Zoning Changes



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/council/packet/index.html> .

Also the Council meeting schedule may change from time to time. The current Council agenda can always be viewed at:

http://www.montgomerycountymd.gov/council/resources/files/agenda/col/current_agenda.pdf .

On Nov. 29 at 9 a.m. the Council will discuss the County's State Legislative Program. At 10 a.m. the Council will begin its meeting with a proclamation presentation. General Council business will begin at 10:10 a.m.



Councilmember Rice will present a proclamation recognizing "Empowering Youth and Families Services of Montgomery County" for 15 years of service.

COUNCIL



Zoning Text Amendment 16-10, Transferable Development Rights Overlay Zone-Optional Method

The Council is scheduled to vote on ZTA 16-10. The PHED Committee recommends approval with an amendment to make the ZTA effective when approved. Council President Floreen is the lead sponsor. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5000&meta_id=128700 .

ZTA 16-10 would amend the optional method requirements for the Transferable Development Right (TDR) Overlay Zone by reducing the required common open space area.

- The 2014 Zoning Ordinance Rewrite redefined common open space to exclude private green space without appropriately adjusting the amount of space required for common open space. The Council corrected this problem, for the most part, by approving ZTA 15-09 on Dec. 1, 2015. That ZTA did not make the same adjustment to the TDR Overlay zone that it did to other zones. This amendment would correct that oversight.
- ZTA 16-10 also would clarify requirements for the TDR Overlay zone. For a Rural Residential zone or a Residential zone with a TDR density designation less than three units per acre, development using TDRs and providing MPDUs above 12.5 percent must follow the requirements under optional method MPDU development. Any other optional method developments in these zones must satisfy all TDR Overlay zone optional method requirements. This clarification is consistent with the County's Zoning Ordinance in effect before November 1, 2014 and the Council's policy to favor affordable housing.



Zoning Text Amendment 16-15, Facility for Senior and Disabled-Standards

The Council is scheduled to introduce ZTA 16-15. Council President Floreen is the lead sponsor at the request of the Housing Opportunities Commission (HOC). The public hearing is scheduled for Jan. 17 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5000&meta_id=128702.

ZTA 16-15 would separate and revise the standards for senior and disabled independent living facilities and generally amend the provisions for senior and disabled independent living facilities.

- The current provisions for describing who may live in independent living facilities for seniors and disabled persons is no longer in alignment with federal Fair Housing Act regulations. ZTA 16-15 is intended to correct this problem.



Zoning Text Amendment 16-16, Conditional Use Decisions

The Council is scheduled to introduce ZTA 16-16. Council President Floreen is the lead sponsor at the request of the Hearing Examiner. The public hearing is scheduled for Jan. 17 at 1:30 p.m. The Hearing Examiner believes that the current provisions for appeals of conditional use decisions is causing confusion on who may appeal a decision. In the Hearing Examiner's opinion, the current code provisions allow unintended delays in reaching a final decision. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5000&meta_id=128705.

ZTA 16-16 would:

- amend provisions governing OZAH's decisions in conditional use cases;
- amend provisions governing requests for oral argument before the Board of Appeals in conditional use cases;
- permit applicants for conditional uses approved by the Hearing Examiner to implement a conditional use when a request for oral argument before the Board of Appeals is pending;
- authorize the Board of Appeals to stay the Hearing Examiner's decision with a motion;
- authorize the Board of Appeals to place conditions on the approval or denial of requests for a stay; and
- amend provisions concerning conditional use appeals.



Zoning Text Amendment 16-17, Height Encroachments-Townhouses

The Council is scheduled to introduce ZTA 16-17. Councilmember Erich is the lead sponsor. The public hearing is scheduled for Jan. 17 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5000&meta_id=128707.

ZTA 16-17 would include structures on townhouse rooftops in calculating the height of a townhouse building.

- Currently structures such as rooftop decks, patios, shade structures and walls are excluded from building height measurements for all building types. ZTA 16-17 would include such structures for measuring the height of townhouses.
- In the opinion of the sponsor, these structures should be included in the height calculation of a townhouse because they add to the perceived height of the building and increase shade on other buildings.



Zoning Text Amendment 16-18, Sandy Spring/Ashton Rural Village Overlay Zone-Standards

The Council is scheduled to introduce ZTA 16-19. The lead sponsor is Councilmember Navarro. A public hearing is scheduled for Jan. 17 at 1:30 p.m. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5000&meta_id=128709.

ZTA 16-18 would lower the minimum size lot for townhouses and duplex buildings. The maximum allowable building height would be increased by five feet with a Planning Board finding of compatibility in the site plan process.

- Currently the minimum lot size in the Sandy Spring/Ashton Rural Village Overlay zone is 3,000 square feet for all buildings.
- In the opinion of the sponsor, the minimum lot size limit is appropriate for single-family detached buildings but could be excessive for townhouses and duplexes. ZTA 16-17 would allow a minimum lot size of 900 square feet and 2,000 square feet, respectively, for those uses.



Bill 19-15, Rental Housing-Landlord-Tenant Obligations

The Council is scheduled to vote on Bill 19-15. The PHED Committee recommends enactment with amendments. Councilmember Elrich is the lead sponsor of Bill 19-15. Councilmember Navarro is a cosponsor. The bill would make several changes to the landlord-tenant law, which are principally aimed at enhancing the existing rights of tenants and improving the quality of rental housing through increased inspections. The amendments made by the PHED Committee generally fit into three categories: leases and landlord-tenant obligations; licensing and data collection; and rent adjustments. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=136&event_id=5000&meta_id=128711.

The PHED Committee held five worksessions on Bill 19-15 and met with panels of stakeholders. Bill 19-15 would:

- Provide tenants with greater transparency about their rights and obligations under a lease.
- Require the Department of Housing and Community Affairs (DHCA) to inspect a sample of every multifamily rental property over the next two years to establish baseline information about the condition of the County's rental housing stock.
- Focus ongoing enforcement resources on properties with significant health and safety issues and properties with numerous code violations.
- Provide many benefits to tenants that should improve the stability and quality of their living arrangements.

Some of the specific amendments are as follows:

- Require each lease to include a plain language summary of a tenant's rights and responsibilities.
- Require DHCA to conduct a two-year intensive inspection schedule (two times the current number of inspections, prioritized by need).
- Require DHCA to provide annual reports to Council and Executive about past and upcoming year inspections;
- Require certain properties to be inspected more frequently than the current triennial schedule (based on type and severity of violations).
- Require landlords to pay the cost of subsequent inspections, if a property needs multiple inspections for uncorrected violations.

- Require that tenants can make certain repairs when authorized by the Director or his designee, if DHCA orders a repair and the landlord fails to correct the issue in the allotted time.
- Requires lease renewal terms of two years, if the landlord is offering renewal.

Tenants also would have greater access to information. Bill 19-15 would:

- Improve the availability of landlord-tenant handbooks.
- Require landlords to provide tenants with more information about utility bills in older buildings.
- Require landlords to give 60 days' notice if the landlord intends to terminate the tenancy at the end of a lease term, and 90 days' notice for all rent increases.
- Require DHCA to publish certain data from the annual rental housing survey on its website.
- Require that tenant organizations be allowed to use available meeting space for free once per month.



FY17 Work Program and Budgets of the Montgomery County Economic Development Corporation and WorkSource Montgomery

The Council will receive an update on the FY17 work program and budgets for the Montgomery County Economic Development Corporation (MCEDC) and WorkSource Montgomery. The staff report can be viewed at:

http://montgomerycountymd.granicus.com/Viewer.php?view_id=136&event_id=5000&meta_id=128713.

MCEDC was incorporated as a non-profit organization in Oct. 2015 and was officially designated as the organization to implement the County's economic development programs and activities by Council resolution in March 2016. David Petr, Chief Executive Officer, MCEDC will discuss how the FY17 work plan will lay the foundation for FY18 and provide information on operations and partnerships; research, planning and policy work; and marketing and business development.

WorkSource Montgomery was designated as the County's Workforce Development Corporation in Oct. 2015. Ellie Giles, Chief Executive Officer, WorkSource Montgomery will discuss the organization's Local Area Workforce Plan and strategic goals for the coming year. WorkSource Montgomery's mission is to:

- Meet the talent attraction, development and retention needs of strategic industries.
- Meet the needs of the underemployed and unemployed.
- Develop career pathways that lead to sustainable wage jobs and support a thriving mission.